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Intension and Impurity: Regulations on the Impurity of Objects in the Mishnah[1]

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1. Introduction

It has been augured that Judaism has been obsessed with the issue of impurity since early Christian times. The detailed rules on purity and impurity in Rabbinic literature have been viewed as typical examples of the legalism of Judaism and have been the source of a negative image of Judaism. Even Jewish studies established at the end of the 19th century did not treat the impurity laws in Rabbinic-Judaism directly but from a moral and symbolic point of view, based on the supposition

1 The following abbreviations are used in this paper: M = Mishnah, BT = Babylonian Talmud, JT = Jerusalem Talmud. Among various translations of the Hebrew term אמט רוחט such as, clean, unclean, purity, impurity and defilements, we use purity and impurity in this paper, although there might be some different connotations even in English translations. Nevertheless, other translations may also appear in the researchers' citations or in the names of articles. Mishnah is cited from the Albeck edition. *The Mishnah* vols. 6, commentary by H. Albeck (Jerusalem: The Bialik Institute, 1988). Unless otherwise noted, the English translations of Mishnah are in accordance with H. Danby, *The Mishnah: Translated from the Hebrew with Introduction and Brief Explanatory Notes* (Oxford: Oxford UP, 1992). New Testaments is cited from NRSV Bible Translation Committee, *The Holy Bible: New Revised Standard Version with Apocrypha* (Oxford: Oxford University Press, 1990).

that after the destruction of the Second Temple, the issue of impurity was no longer relevant. However, recent archaeological discoveries indicate that households obeyed purity and impurity laws even in later times. Various new approaches toward purity in the Rabbinical laws suggest the importance of understanding the Rabbinical worldview holistically and to not regard their codes as merely legalism, based on our modern standards. Indeed, given the volume of pure and impurity codes in the Rabbinic literature, one should attempt to investigate the unique Rabbinical logic in their pure and impurity codes to understand the Rabbinic world.

This paper presents a review of previous studies on impurity, followed by an examination of the regulations in Rabbinic Judaism concerning the objects of daily life. Particular attention is given to their view that objects intended for use can be impure, and those that are not intended to be used can be pure. This view suggests that "impurity" does not deny the quality of an object in an absolute way, nor does it associate impurity with sin. Rather, this system of purity and impurity should be examined from a different perspective than our concept of sin as previous studies have often supposed. Although the argument on purity and impurity has been viewed in negatively from a modern perspective and even dismissed as a typical example of Jewish legalism, we find in their legalism a way of thinking that did not single out human beings as having a special status. Rather, they assumed that human beings are also in the same pure and impure structure of the world that God created.

Due to the vastness of the Rabbinic literature, the discussion in this paper will be limited to the Mishnah texts, which constitute the fundamental elements of Rabbinic literature.[2]

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2 For more information on Rabbinic literature, see H. L. Strack and G. Stemberger, *Introduction to the Talmud and Midrash*, trans. M. Bockmuehl (Minneapolis: Fortress Press, 1996). In this paper, the abbreviations and alphabetical transcriptions of the Rabbinic literature and translations (with corrections by the author) follow H. Danby, *The Mishnah*.

2. Purity and Impurity Laws in Early Rabbinic Judaism and Previous Studies

2.1 Traditional Studies on Impurities and Sin

The purity and impurity codes were serious issues in the early Tannatic period of Rabbinic Judaism (0–200 CE), as evidenced by the actions of Jesus in the New Testament. In the Gospels, Jesus is depicted as interacting with individuals from various marginalized groups within Jewish society, such as those with serious skin diseases (Matt 8:1–4; Luke 5:12–16) or paralysis (Matt 9:1–8, Luke 5:17–26), women who suffered from continuous bleeding (Luke 8:40–56), and the blind and the mute (Matt 9:1–34, Luke 8:40–56).[3] We also observe Jesus condemning the system of impurity and purity in the following text: "There is nothing outside a person that by going in can impure" (Mark 7:15). In this context, sages were often described critically as eliminators of the weak sufferers, and that impurity was related to sin (Matt 9:1).[4]

The Sixth Order Seder Tohoroth, which lists the purity regulations, accounts for more than one–third of the entire Mishnah.[5] The Tractate Kelim, which deals with

3 A man with atrophied hands (Matt 12:9–14; Luke 50:6–11), people possessed by evil spirits (Matt 8:28–34; Luke 4:31–37; 8:26–39), tax collectors, sinners (Matt 9:9), and many others can be added.

4 In theological commentaries Pharisees and sages' attitude toward sick people, impurity, and tax collectors were described critically. Takahashi commented in response to Matt 9:10, "The Pharisees tried to keep themselves pure by cutting off those they regarded as impure." S. Takahashi, *Mataifukuinsyo Kougi* (Jo) [*Lectures on the Gospel of Matthew*] (Tokyo: Kyobunkwan, 1990) 346–347. Hasumi also criticized Pharisees' attitude as stickers to legalism. K. Hasumi, *Matai niyoruFukuinsho* (Jo) [*Lectures on the Gospels of Matthew*] (Tokyo: Sinkyoshuppan, 1985), 173–174.

5 The Mishnah consists of six orders (*sedarim*), each of which has multiple tractates (*masekhot*). Tractates are subdivided into chapters (*peraqim*), and these are in turn divided into sentences (*mishnayot*).

the "purity and impurity" of vessels and various utensils in daily life, is the largest volume in the Mishnah, consisting of 30 chapters. These extensive collections of Tohoroth were considered to be of significant value and deserving of preservation when the Mishnah was compiled in approximately 200 CE. The significance of the Seder Tohoroth is evidenced by the subsequent lively discussions thereon.[6]

Jewish studies itself have not dealt with the code direct. Instead, the purity and impurity codes have been discussed in relation to morality or sin. In fact, impurity in the Hebrew Bible also has a dual structure of moral and ritual impurity.[7] Scholars have often focused on the moral impurity and related the latter, ritual one to morality. There might be two primary reasons for this.

First, it was probably due to the common belief, which was prevalent after the Middle Ages, that Biblical codes of purity and impurity had become ineffective following the destruction of the Second Temple.[8] There is no *gemara* (records of various discussions on the Mishnah in the Talmud) for the order Tohoroth other than the Tractate Niddah, which deals with menstrual impurity. This led people to believe that the significance of Tohoroth was lost, except for the Niddah. While

6 A very famous heated debate (BT Bava Metzia 59a–b) about the Oven of Aknai, which was consisted of tiles separated from one another by sand, but externally plastered over (M Kelim 5:1), testifies how religious leaders were involved in discussions of the purity and cleanness of daily objects.

7 J. Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford UP, 2000), 5–6. Purity and impurity laws within the Hebrew Bible can be broadly divided into Levitical ritual uncleanness (Lev 11–15; Num 19) and moral ones - sexual relations (Lev. 18:24–30, etc.), idolatry (Lev. 19:31, etc.) and bloodshed (Num 33:3–34).

8 According to Balberg, the first discourse of this kind was by Rav Haya Gaon in the collection of Geonic responsa, *Shaare Tesuva* ch. 175. Regarding the necessity of bathing before entering the Sabbath and holidays, it is stated that because the Temple is no longer exists after its destruction, bathing is not obligatory. The *Shaare Tesuva* is dated to the 13th century. M Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkely, Los Angeles, London: California UP, 2014), 1, n. 1.

some historical studies, such as the research conducted by Alon, argued that the purity and impurity codes remained important even after the destruction of the Temple,[9] the focus of inquiry has shifted to the relationship between impurity and sin rather than the code itself.

Second, to confront New Testament studies, which supported Jesus and Paul's criticism of the purity and impurity codes of their contemporary Jewish society, Jewish studies had to break the image of Jews as being obsessed with such codes. In fact, in the *Wissenschaft des Judemtum* found at the end of the 19th in Germany, Jewish Studies were appealing to Judaism's worthiness in its ethics and morality rather than in its legalism.[10]

Leading studies on impurity are dominated by Büchler, Klawans, Neusner, and others, who interpreted the purity and impurity codes in relation to morality and sin.[11] Such interpretations can be traced back as far as the ancient Philo.[12] To

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9 Alon provides evidence that rabbis in the Amoraim period (200–500 CE) purified themselves before learning and after contact with gentiles. G. Alon, *Jews, Judaism and the Classical World: Studies in Jewish History in the Times of the Second Temple and Talmud*, trans. I. Abraham (Jerusalem: Magnes Press, 1977), 146–189, 190–234. He also traced the development of the halachic (legal argument) regarding the "uncleanness" of gentiles, considering the political and economic background of the development. Alon, *Jew Judaism*, 232.

10 L. Baeck focused on the "Prophecy" as the essence of Judaism, while insisting on the meaning of action by "Commandment." Brook also evaluated Jewish legalism. However, both argued for the underlying morality, ethics, and "prophethood" of the laws rather than its direct significance. L. Baeck, *Das Wesen des Judentums* (Wiesbaden: Fourier Verlag, 1995), 6, 21–22. R. Brooks, *The Spirit of the Ten Commandments: Shattering the Myth of Rabbinic Legalism* (San Francisco: Haper and Row Publisher, 1990), 21–27.

11 E. Katsumata, *Mono no Kegare to Rinkaku* [Uncleanness of Objects and Contour According to the Mishnah Sedarim Tohoroth], *Shyukyo Kenkyu* 404 (2022, 79–103).

12 Philo, *De Specialibus Legibus* IV. 106–125, *Philo in Ten Volumes* VIII, The Loeb Classical Library with an English Translation by F. H. Colson (Cambridge & Massachusetts: Harvard UP, 1968), 72–87.

a great extent, their interest has to do with the Christian and Qumran cults of the pre- and post-CE periods.

Büchler, the founder of systematic research on this topic in modern Jewish studies,[13] undertook a comprehensive examination of the material in question, tracing the transition of impurity as sin from the Hebrew Bible to the Talmud. Büchler was exclusively interested in the relationship between moral sin and impurity; Levitical and ritual impurity was not discussed. In the preface to his book, Büchler sets forth the objective of challenging the prevailing view, held by many Christian scholars of the period, that Judaism lacks a concept of sin and redemption due to a lack of understanding of Rabbinic literature.[14]

Neusner examined the discourse on purity and impurity regulations by working through various materials from the Second Temple period.[15] Neusner rejected the distinction between ritual and moral impurity. To avoid the dichotomy of impurity,[16] Neusner argued that in the late Second Temple period, "purity" and "morality" had been equated, and consequently the impurity of skin disease had been considered a sin of slander. Eventually, it represented the sin of Israel's self-centeredness, and a symbol of the four nations that ruled over Israel (Babylonia, Persia, Greece, and Rome).[17] While avoiding the distinction between ritual impurity and moral impurity, Neusner chose the aggadic genre's treatment of impurity rather than legal regulations, despite the large number of halachic (legal) discussions on ritual impurity in the Mishnah and elsewhere. In the end, the ritual aspects of impurity

13 A. Büchler, *Studies in Sin and Atonement in the Rabbinic Literature of the First Century* (London: Oxford UP, 1928), esp. ch. 3–4.

14 Büchler, *Studies in Sin*, xiii–xv. J. H. Hertz also mentions the lack of understanding of Jewish literature by his contemporaries and anti-Semitic prejudice in his introduction to the same book; Büchler, *Studies in Sin*, iii–iv.

15 J. Neusner, *The Idea of Purity in Ancient Judaism* (Leiden: E. J. Brill, 1973).

16 Neusner, *The Idea of Purity*, 2.

17 Neusner, *The Idea of Purity*, ch. 3, esp. 76–107.

shifted to the moral and spiritual spheres.

The turning point in the study of impurity was anthropologist Douglas's *Purity and Danger*. Douglas provided an overview of the treatment of impurity—as indulgences in modern religious studies—and also highlighted the presence of an evolutionary ideology that sees Christianity as the final development.[18] Douglas then attempted to read the "clean" and "unclean" animals of Leviticus from the three-tiered structure of heaven, earth, and water in the world creation story, which is the worldview of the Hebrew Bible.[19] Although Douglas's analysis had a significant impact on the study of "uncleanness" in anthropology as well as Jewish studies,[20] this analysis remains within the context of the Hebrew Bible and does not deal with later Jewish literature. Douglas's influence on Jewish studies is her analytical method, namely, her suggestion that "uncleanness" is not meaningless but has a moral and social function. Here, we once again see the shift from ritual to moral matters. Milgrom[21] combined anthropological and symbolic approaches to achieve a systematic analysis of the rituals described in Leviticus. Milgrom believed the rituals and rites of Leviticus have a fundamental value in activating a holy and ethical life; he tried to clarify the meaning of impurity in the system of "rituals" and "rites" by considering the structure of Leviticus as a whole. He considered "uncleanness" as a life force to counter the power of death, which reached its ethical peak in the prohibition of bloodshed.[22] In this sense, he ultimately moved toward a more symbolic interpretation of impurity.

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18 M. Douglas, *Purity and Danger: An Analysis of the Concept of Pollution and Taboo* (London and New York: Routledge, 2002), 1–35.

19 Douglas, *Purity and Danger*, 69–71.

20 Neusner's previous book shows influences from Douglas; Douglas also contributed comments to the same book; Neusner, *The Idea of Purity*, 119–130, 137–142.

21 J. Milgrom, *Leviticus: A Book of Rituals and Ethics* (Minneapolis: Fortress Press, 2004).

22 Milgrom, *Leviticus*, 1–16.

More recently, Klawans systematically discussed the view of "uncleanness" as "sin," and included the Qumran cult documents.[23] Klawans's study examined the sacrificial system, the changing symbolism of the Temple, and the symbolism of Jesus's Last Supper in that context, from literature before and after the fall of the Temple.[24] Impurity and sin have remained a fascinating framework and are still much discussed.[25]

2.2 Recent Findings and New Approaches

Following the year 2000, significant changes were introduced to the field of cleanliness regulations. Scholars have attempted to evaluate the significance of the purity and impurity laws and to understand its regulation system by itself, without reductions to other values, such as sin, morals, and ethics. One of the reasons is that recent archaeological discoveries have provided extra-textual evidence for the continued existence of cleanliness regulations.[26] In particular, the identification of a stepped pool, previously thought to be a cistern, as a *miqveh*, suggests that there were, in fact, many *miqva'ot* and that the cleanliness code remained firmly in place even after the fall of the Temple. Discoveries of *miqva'ot* in household Judaism, as well as stepped pools found adjacent to oil and wine presses to ensure the ritual purification for special installations for wine and oil, show that

23 Klawans, *Impurity and Sin*. Against Alon, he points out the lack of mention of impurity as "sin" and the lack of reference to Bucher; however, Alon is concerned with the scope of Levitical impurity in the first place; Klawans, *Impurity and Sin*, 7.

24 Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessions in the Study of Ancient Judaism* (New York, Oxford UP, 2006).

25 For the research history, see S. Haber "Ritual and Moral Purity and Impurity in the Hebrew Bible," "Ritual and Moral Purity and Impurity in the Second Temple Judaism," in A. Reinharz (ed.), *They Shall Purify Themselves: Essays on Purity in Early Judaism* (Atlanta: SBL, 2008), 1–71.

26 See the latest special volume of *'Atiqot* 113 (2023) on the archaeology of purity.

the practice of *miqva'ot* bathing was widespread throughout Judea and Galilee[27]. The appearance of a large number of stone vessels, considered free from defilement, from around the first century CE, testifies that the purity regulations were expected to be observed.[28]

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27 Y. Adler, "Jewish Purity Practice in Roman Judea: The Evidence of Archaeology", in *The Ancient Near East Today: Current News About the Ancient Past*, vol. 5, no. 2 (2017, 1–3). A. Faust & H. Katz, "The Archaeology of Purity and Impurity: A Case-Study from Tel 'Eton, Israel" *Cambridge Archaeology Journal* 27 (2017, 1–27). According to Regev, Reich's identification of the water pools with steps, previously considered a water cistern, as a ritual bath was a turning point. Reich, *Miqwa'ot (Jewish ritual baths) in the Second Temple Mishnaic and Talmudic Period, Jerusalem* (Hebrew), (Jerusalem: Yad Ben-Zvi and Israel Exploration Society, 2013); E. Regev, "Archaeology, Purity and Society: Some Methodological Reflections," *'Atiqot* 113 (2023, 97–113); S. S. Miller, *Miqva'ot (Ritual baths)*, in Daniel M. Gurtner & Loren T. Stuckenbruck (Eds.), *Encyclopedia of Second Temple Judaism*, vol. 11, (London: T&T Clark, 2020), 502–507; For a summary of research trends in the field of archaeology, see S. S. Miller, "At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity Among the Jews of Roman Galilee", *Journal of Ancient Judaism Supplements* 16 (2014, 17–31), M. Rescio & L. Walt, '"There is Nothing Unclean": Jesus and Paul against the Politics of Purity?', *Annali di Storia dell'Esegesi*, 29 (2012, 53–82) 60–61.

28 D. A. Fiensy, *The Archaeology of Daily Life: Ordinary Persons in Late Second Temple Israel* (Eugene: Cascade Books, 2020), 285–287; K. Makino, Paresuchina kara Syutsudo shita Herenizumu Jidai no Futa: Tokuni Mi tono Kankei kara [Associated Lids and Vessels from the Hellenistic and Roman Periods in Palestine] *Journal of West Asian Archeology* 20 (2019, 85–96). Along with *miqva'ot*, *dimosin* (public bathhouses) were also used, as archaeological discoveries have showed, and are frequently mentioned in the aggadic sources, JT Ter 8. 4, Leviticus Rabbah 26. 5. Y. Hirschfeld, *Roman, Byzantine, and Early Muslim Tiberias: A Handbook of Primary Sources*, (Tiberias: Unearthing Tiberias, 2005) 21, 23. Regarding the *Dimoshin*, a public bath constructed during the Roman era. See E. Katsumata, "Toward Investigation of Democracy in Jewish Thought: Freedom, Equality and *Dimos* in the Rabbinic Literature," *Journal of Interdisciplinary Study of Monotheistic Religion* 14 (2019, 27–44) 33–35.

Even though there is no *gemara* for Seder Tohaloth except for Tractate Niddah, all the above facts lead us to believe that "purity" and "impurity" were to some extent significant even after the fall of the Second Jerusalem Temple in 70 CE. These laws became a principle of household Judaism and influenced rabbis, at least as a framework of thought.

Theses findings in archaeology brought a significant change in the textual analysis of the cleanliness provision, as well as the influence of Douglas's memorial work.

In the last decades, we have seen novel approaches to "impurity" in Rabbinic literature. They dismissed the historicity of the text, such as the approach that Balberg called textual conceptual analysis.[29] They reserved the question of whether the purity and impurity provisions described in the Mishnah were operationalized. Rather, they sought to analyze the worldview as presented at the time they were compiled as text. Furthermore, Meshel endeavored to unravel the Biblical ritual and sacrificial system within the framework of a grammar of ritual.[30] In addition, Noam sought to reveal the dual structure of Tannaitic literature of impurity laws, namely "Natural" versus "Abstract" impurities.[31] These are likely signs of the new trends of Jewish studies, which is trying to understand the purity and impurity codes, not merely from a moral or ethical point of view as traditional Jewish studies, but from a multitude of diverse perspectives.

Considering these new approaches, this paper also aims to present a new

29 Balberg, *Purity, Body, and Self*, 6–8.

30 N. Meshel, *"Grammar" of Sacrifice: A Generativist Study of the Israelite Sacrificial System in the Priestly Writings with A "Grammar" of Σ* (New York: Oxford UP, 2004); Meshel "Food for Thought: System of Categorization in Leviticus 11," in *HThR* 101 (2008, 203–209).

31 V. Noam, "The Dual Strategy of Rabbinic Purity Legislation" *Journal of the Study of Judaism 39* (2008, 471–512). V. Noam, "Ritual Impurity in Tannaitic Literature: Two Opposing Perspectives", *Journal of Ancient Judaism* 1 (2010, 65–103).

perspective to understand how sages treated purity and impurity with a particular focus on ordinary household objects in their system of purity and impurity laws. This is because the concrete aspects of daily life have not been sufficiently discussed in previous Jewish studies, which concentrated on ideal aspects. Thus, this paper focuses on the impurity of "objects" in the household along with the Levitical impurity in the Mishnah. Special attention is paid to the rule that "intention" determines the impurity of an object.

While this increase in archaeological evidence has been stimulating, it has also raised questions about methodology. Regev correctly emphasized the methodological problem of a discrepancy between the purity and impurity codes of the Mishnah and the archaeological finds. For example, the Mishnah does not prescribe the use of stepped pools or the purity of stone vessels. However, both practices are dependent on the New Testament.[32] Regev suggested that the archaeological finds may instead reflect the individuals' desire to be pure.[33]

The purpose of this paper is not to reconcile the two methodologies, but to demonstrate the rise of the purity rule based on archaeological evidence, and to use the Mishnaic texts to reveal some aspects of rabbis' worldview at the time. This is an attempt to explore their worldview and the relationship between that view and purity regulations, similar to Rüpke's attempt to reveal their worldview through objects.[34]

3. Features of the Impurity in the Tractate Kelim

3.1 Tractate Kelim, Sixth Order Tohoroth

The Kelim is the longest tractate in the Mishnah and consists of 30 chapters. The

32 Regev, "Archaeology, Purity and Society," 99–101.

33 Regev, "Archaeology, Purity and Society," 109.

34 J. Rüpke, *Pantheon: A New History of Roman Religion* (Princeton & Oxford: Princeton UP, 2016).

hierarchical structure of impurity is discussed in the first chapter, including the impurity of vessels and various tools used in daily life. The discussion on stone ovens is divided into two parts. The matter of something impure falling onto the hearth continues until Chapter 9. Various ordinary goods, such as closed lids (Chapter 10), metal vessels (Chapter 11), and even more familiar objects (rings, pens, knives and weights) are subsequently discussed. Issues related to purity and impurity are discussed in respect of wagons, broken keys; vessels made of wood, leather, and bone (Chapter 15); and the broken legs of furniture such as desks, chests, and beds (Chapter 18). Chapter 19 presents a discussion on the defilement of human leakage. Chapter 21 discusses the defilement of saws; Chapter 22 the defilement of the removed legs of desks, wardrobes, toilets, and bathrooms; and Chapter 24 the defilement of various tools, boxes, papyrus, baskets, etc. Chapter 25 addresses scales and squares, Chapter 26 deals with sandals, Chapter 28 discusses the defilement of Torah coverings; and Chapter 30 pertains to the defilement of glassware.

The following points can be noted as features of the Tractate Kelim.

First, the Kelim covers all aspects of daily life, including clothing, sandals, clothing and cloth defilement, dishes, hearths, cooking utensils, and various foodstuffs, as well as mold in houses and on furniture and their legs. Place references suggest that their world had expanded geographically, and include a ship from Alexandria (M Kelim 15:1), Italian scales (M Kelim 17:11), and Egyptian baskets (M Kelim 26:1). Also, the fact that various sages were involved in the Kelim, as in the case of the other volumes, implies that the Mishnah's Sixth Order was by no means forgotten, even after the destruction of the Second Temple.

The second feature is its size. The volume is extremely large because the discussions are based on specific, individual situations for a variety of tangible everyday objects. Although scholars often dealt extensively with human-related impurity, such as skin diseases (as reflected in the Tractate Negaim), the Mishnah pays attention to all things of everyday life. The issue of the human body's purity

and impurity is only a part of the Mishna's focus. Furthermore, impure objects in the Kelim have nothing to do with morality or sin – objects cannot have the attribute of morality. Moreover, the impurity of human beings should be treated in the same way as object impurity. In the case of human impurity, such as skin diseases (*nega'*), the Mishnah's interest is focused on how to decide on the purity or impurity of the symptoms in front of them and the protocols to purify the defilement, without regarding the individual morality.[35] One should therefore endeavor to understand human impurity from their worldview – including sages' viewpoint toward daily objects.

As noted above, Jewish studies have argued the concept of "impurity" from the viewpoint of morality in the aggadic material.[36] However, it should be emphasized that the existence of a legal discussion genre (*Halakha*) allows for the treatment of individuals afflicted by diseases as equal to healthy humans, apart from considerations of morality. This represents an effort to counter the tendency to associate *nega'* with moral guilt and to portray the sick person as a sinner in the aggadic genre.

3.2 Objects That Have no Use, Broken or Open, are Pure

A third interesting feature is that in the Mishnah, things that are broken or do not fulfill their use or function are not defiled and are considered pure. There are various discourses of this kind scattered throughout the Mishnah.

M Kelim 2:1

כְּלֵי עֵץ, וּכְלֵי עוֹר, וּכְלֵי עֶצֶם, וּכְלֵי זְכוּכִית, פְּשׁוּטֵיהֶן טְהוֹרִים, וּמְקַבְּלֵיהֶן טְמֵאִים. נִשְׁבְּרוּ,

35 Indeed, Rabbinic Judaism excludes sick people with skin disease (M Neg 7: 3); it should be understood that a similar exclusion was carried as part of the medical process under COVID-19 in modern times.

36 Leviticus Rabbah 16.2, etc.

טָהֲרוּ. חָזַר וְעָשָׂה מֵהֶם כֵּלִים, מְקַבְּלִין טֻמְאָה מִכָּאן וּלְהַבָּא. כְּלֵי חֶרֶס וּכְלֵי זֶגֶת, טֻמְאָתָן שָׁוָה. מִטַּמְּאִין וּמְטַמְּאִין בַּאֲוִיר, וּמִטַּמְּאִין מֵאֲחוֹרֵיהֶן, וְאֵינָן מִטַּמְּאִין מִגַּבֵּיהֶן, וּשְׁבִירָתָן הֵיא טָהֳרָתָן.

Wooden, leather, bone, and glass vessels are pure if flat. If hollow, they can be impure. If they are damaged, they are pure. If a vessel is made from them, it is impure. Earthen and soda stone vessels are equal in impurity. They themselves are impure and carry the impurity through the air. It carries the impurity with its outer surface, but not with its back. When it is broken, it is pure.[37]

The word "flat" is *pashut*, meaning "simple" in the original, and is understood as a flat shape. The word "hollow" is translated from *meqabel*, from the root "receive" and the implication is an object that receives something. To receive something means that it functions as a vessel. A flat object or broken vessel, as they do not fulfill their function as vessels, is considered clean. There are also discussions about vessels and utensils of various materials, when they are clean and when they are suspected of being unclean.

In archaeological terms, the discovery of stone vessels that are considered clean is viewed as an indicator of Judaization and compliance with cleanliness regulations. However, in the Mishnah, the fact that various materials are discussed, as well as the many situations in which they are clean or unclean, suggests that in real life, people were considering the possibility of using vessels made of various materials. This means that sages also may have been exploring the possibility of using vessels made of various materials in their real life. Based on the current researcher's private participation in excavations, a large number of pottery shards have been excavated, but those made of stone are extremely rare. The Mishnah may have been taking an ideal discussion of defilement, keeping it relevant to real

37 Based on personal translation.

life, even though there is a time lapse between the period assumed by archaeology and the period when the Mishnah was compiled.

Furthermore, the term "intention" is used to clear the user's purpose.

M Kelim 22:2

הַשֻּׁלְחָן שֶׁנִּטְּלָה אַחַת מֵרַגְלָיו, טְהוֹר. נִטְּלָה שְׁנִיָּה, טָהוֹר. נִטְּלָה הַשְּׁלִישִׁית, טָמֵא כְּשֶׁיַּחְשֹׁב עָלָיו. רַבִּי יוֹסֵי אוֹמֵר, אֵין צָרִיךְ מַחֲשָׁבָה. וְכֵן הַדֶּלֶפְקִי.

A table [where] one leg is removed is pure. If the second leg is removed, it is clean. But if the third leg comes off, it is impure, since a man will think about it (to use for something). Rabbi Yose said: Intension [*mahashavah*] has nothing to do with it. This applies to side tables as well.[38]

According to the above Mishnah, it can be assumed that a table's top was supported by three legs during the Mishnaic time. If one or two of the three legs were removed, it would not be able to maintain its balance and could not be put to any use. In such a case, the broken table is considered pure. However, if all three legs are removed, then the surface of the table alone can be used for something else, such as a vessel or tray. If the owner considers using it, then the surface of the table is deemed to have become impure. Rabbi Yose opined that "intention" is not required because it is clear that the table without three legs can be used as a kind of tray, and the table without three legs can consequently automatically be suspected of receiving impurity. It is acknowledged that the general supposition that the possibility to use an object for some purpose, or the intention to use it for a certain purpose makes the object suspectable to receive impurity.

Even when the term "intention" is not explicitly used, one can find many similar discussions in the Kelim. The same is true of M Kelim 2:1 mentioned above. There are more examples in Chapters 18–23 because they continue the

38 Based on personal translation.

discussion on whether certain products that a man or woman might sit on, such as a box (M Kelim 19:7–8), a chest (M Kelim 18:1–3), a cupboard (M Kelim 18:3), a bed (M Kelim 18:4–8, 19:1–6 etc.), a chair, or a bench (M Kelim 22:10), may become clean or unclean when it changes form. The pertinent issue was whether these products were pure or impure if there was a possibility of someone sitting on them and making them impure because of menstruation or flux. Something that was intended for sitting on was considered impure; if the usage was not clear, then it was also regarded as impure. Sheets or anything that can absorb a certain amount of moisture were clean if they were damaged (M Kelim 20:1). If such a discussion is extended, one finds that generally speaking, the same object can be both pure or impure based on its possibility of usage and users' intention.

Various statements of this type can be found. When the shepherd's bag is broken or when the basket for holding dung is damaged so that it cannot even receive boxwood, each is judged to be clean because it cannot fulfill its original function (M Kelim 19:9). Rabban Gamaliel also considered a lump of unformed metal (*golem*) to be potentially unclean, and it is also one of the four things the sages considered clean (M Kelim 12:6)[39]. Glass vessels with flat bottoms were considered clean (M Kelim 30: 1), but glass spoons were unclean if they could scoop something, but if they could not, they were clean in the view of Rabbi Yochanan ben Nuri (M Kelim 30:2). Similarly, large broken cups were deemed clean (M Kelim 30: 3). All this speaks to the possibility that anything that has a concrete use can be defiled. Often, one can see a very Rabbinic way of thinking, deliberately coming up with all possible cases in which the object under discussion may or may not be used for a certain purpose, and discussing it from all possible points of view.[40]

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39 In the parallel passage, Tosefta Kelim (Baba Metzia) 7:12, when working on horns, a horn that is polished is "unclean" in that it has been worked on and has some purpose, while a lump of unformed metal (*golem*) is considered clean.

40 Various kinds of household items are mentioned, such as pillows, bed coverings, folder

These discussions remind us that sages did not regard impurity as an absolute negative quality as our modern mind might suppose. The potential for something to be perceived as "impure" arises only when its purpose is recognized. The question of whether something can or cannot be used depends on its usability outlook or the user's intention – the boundary between purity and impurity is not absolute. Impurity does not deny the value of the object's existence, rather, it is the intention to utilize the object for a specific purpose that renders it impure. Consequently, impurity might not indicate a singular value nor an unchangeable state.

Here the concept מחשבה *mahashavah* (intention) should be relevant. The next section contains a discussion on *mahashavah* from the perspective of the whole Mishnah. It can be deduced that the distinction between purity and impurity is influenced by the thoughts or intentions of those who perform the relevant action.

4. "Intention" in the Mishnah

In this section, the term "intention" within the whole Mishnah is investigated. This researcher found 38 usage instances of מחשבה *mahashavah* (thought, intention) in the whole Mishnah. They are mainly in the tractates Zebahim (sacrifices in the Temple), Hulin (proper slaughtering practices for sacrifice or eating), Kelim (discussed above), and a few in Uktzin (how stalks, peels, and kernels transmit impurity). Interestingly, the term *mahashavah* is strongly connected with sacrifice and purity laws. Another term, which often translates into intent, is כוון KVN direct, which often appears in the context of behavior that depends on a certain time.[41] The term *mahashavah* is used in a quite limited way in the context of purity and impurity laws.

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bags, travel bags, spice bags, food wallets, sticks, yarn (M Kelim 20: 1–3).

41 For example, M Berakoth 2:1, M Rosh ha Shanah 3:7, 8.

4.1 *Mahashavah* Related to Sacrifices, in the Zebahim and Hullin

In Zebahim, which discusses sacred sacrifices in the Temple, *mahashavah* is mentioned six times in a distinct form (from the current investigation). The first mention is in 1:4. After discussing the special status of the Passover and atonement offerings among various offerings, it is said they would be invalid if offered under a different name. In 1:1, the two types of sacrifices are discussed, dividing the process into sacred acts related to the slaughter: gathering the blood, conveying the blood, and sprinkling the blood. They reveal how each act is qualified or disqualified when the intention of each act is not executed properly. *Mahashavah* refers to an intention to perform the steps of conveying the blood.

M Zebahim 1: 4

רַבִּי אֱלִיעֶזֶר אוֹמֵר, הַמְהַלֵּךְ בִּמְקוֹם שֶׁהוּא צָרִיךְ לְהַלֵּךְ, הַמַּחֲשָׁבָה פּוֹסֶלֶת.
וּבִמְקוֹם שֶׁאֵין צָרִיךְ לְהַלֵּךְ, אֵין הַמַּחֲשָׁבָה פּוֹסֶלֶת.

Rabbi Eliezer said: In the conveying [of the blood] when conveying is needful, the intention can render [the sacrifices] invalid; when conveying is not needful, the intention cannot render it invalid.

While there are different views on this matter, Rabbi Eliezer observed that in the case where one needed to convey the blood, the proper intention to convey it from one proper place to another proper place is required, otherwise the sacrifice would be invalid. If there is no necessity to convey the blood, there is no need to think about the possibility of that intention. The intent in Tractate Zebahim is the intention to perform the individual steps that comprise the various offerings. If the intention is not appropriate, especially regarding time and place, the ritual itself could be disqualified.[42] Furthermore, a statement in the Hulin discusses the intention of idolatry.

42 M Zebahim 3:1, 3:6, 4:6, 8:12.

M Hullin 2:7

הַשּׁוֹחֵט לְנָכְרִי, שְׁחִיטָתוֹ כְשֵׁרָה. וְרַבִּי אֱלִיעֶזֶר פּוֹסֵל. אָמַר רַבִּי אֱלִיעֶזֶר, אֲפִלּוּ שְׁחָטָהּ שֶׁיֹּאכַל הַנָּכְרִי מֵחֲצַר כָּבֵד שֶׁלָּהּ, פְּסוּלָה, שֶׁסְּתָם מַחֲשֶׁבֶת נָכְרִי לַעֲבוֹדָה זָרָה. אָמַר רַבִּי יוֹסֵי, קַל וָחֹמֶר הַדְּבָרִים, וּמַה בְּמָקוֹם שֶׁהַמַּחֲשָׁבָה פּוֹסֶלֶת, בְּמֻקְדָּשִׁין, אֵין הַכֹּל הוֹלֵךְ אֶלָּא אַחַר הָעוֹבֵד, מָקוֹם שֶׁאֵין מַחֲשָׁבָה פּוֹסֶלֶת, בְּחֻלִּין, אֵינוֹ דִין שֶׁלֹּא יְהֵא הַכֹּל הוֹלֵךְ אֶלָּא אַחַר הַשּׁוֹחֵט:

If a man slaughtered for a gentile, what he slaughters is valid, but R. Eliezer declared it invalid.

Rabbi Eliezer said: Even if he slaughtered it [with the intention] that the gentile should eat [all] but the midriff, it is invalid, since a gentile intention is idolatry. Rabbi Yose said: It is an argument from the lesser to the greater: if, where intention can [be] render[ed] invalid [animal-offering] in the temple, depends on him alone that performs the acts [required in the offering], how much more, therefore, where intention does not render invalid [as in the slaughtering of unconsecrated beasts] does it depend only on him that slaughters them.

What is interesting from this study's point of view is the fact that in Zebahim, the intention is related to the detailed steps of the arrangement of offerings in the Temple. A difference of opinion can be observed here. Where Rabbi Eliezer invalidates a slaughter with pagan intent, Rabbi Yose invalidates only the intent of the one involved in the slaughter of the offering—there is no invalidation of a secular slaughter (of lesser holiness) except by the intent of the slaughterer. In Zebahim, the intention is a ritual arrangement. Here we observe intention that touches on a more sacred and theological sphere. It can be gleaned how the discussion on the expression of the Mishnah's ritual protocols expands into the more theological field of faith, danger of being involved into idolatry. In this regard, the concept of *mahashavah* functions as a bridge to combine the ritual and theological spheres.

4.2 *Mahashavah* in the M Tohoroth and M Ukztin Regarding Foodstuffs in the Context of Contact with Liquid

Based on the Leviticus regulation, "If any water be put upon the seed, and any part of their carcass fall thereon, it shall be impure" (Lev 11:38; see 34 et seq.), the Rabbis conclude that if food comes into contact with a reptile's carcass, it is not impure unless the food was first in contact with liquid. Regarding this principle, we find various discussions among sages.

M Tohoroth 1:1

שְׁלֹשָׁה עָשָׂר דָּבָר בְּנִבְלַת הָעוֹף הַטָּהוֹר. צְרִיכָה מַחֲשָׁבָה, וְאֵינָהּ צְרִיכָה הֶכְשֵׁר….

Thirteen rulings govern the carrion of a clean bird: There must be intention; it need not be rendered susceptible ...

It is our natural sense that carrion is regarded as something impure, as Lev 11:24 dictates. However, the above Mishnah suggests that the carrion is not automatically impure of every level.[43] It becomes an impurity that conveys impurity only when it is intended for human consumption.[44]

In M Uktzin 3:1, the sages group foodstuffs into four categories, based on the above two factors: the suitable process of making it impure through contact with a liquid, and the intention (*mahashavah*) for human consumption.

M Uktzin 3.1

יֵשׁ צְרִיכִין הֶכְשֵׁר וְאֵינָן צְרִיכִים מַחֲשָׁבָה, מַחֲשָׁבָה וְהֶכְשֵׁר, מַחֲשָׁבָה וְלֹא הֶכְשֵׁר, לֹא הֶכְשֵׁר וְלֹא מַחֲשָׁבָה. כָּל הָאֳכָלִים הַמְיֻחָדִים לָאָדָם צְרִיכִין הֶכְשֵׁר וְאֵינָן צְרִיכִים מַחֲשָׁבָה.

43 As for various level of impurity, M Kel Chap. 1.

44 According to Danby's commentary to M Toh 1:1, like other dry foodstuffs, which only contract and convey impurity when purposely made wet. Danby *Mishnah*, 714, n. 5.

> Some things need to be suitable [moisten], but they do not need intention [to serve for human consumption], [other things need] intention and to be suitable. [Other things] need intention, but do not need to be suitable, [and other things] need neither to be suitable nor intention. Any food that is meant for people needs to be suitable, but does not need intention.

This Mishnah divides cases when foodstuff is to be regarded as impure into four categories depending on two factors. First of all, whether they have been in contact with water; second, whether the intention to offer it for human consumption was observed or not.[45]

The following mishnayot list concrete examples of food for each category. The carrion of an unclean beast falls into the group that requires neither intention nor is it made suitable by moistening it (Ukztin 3:2) as they inherently remain impure. The categories can be presented as follows, bearing in mind that the Mishnah observes several levels of impurity; impurity that remains in itself and

	Moistening is necessary ○	Moistening is unnecessary ×
Intention is necessary ○	M Uktzin 3:2 A part of an animal, beast, carcass of pure bird, etc., and wild vegetables. ■ They need to be processed to be impure by moistening and need the intention to be served for human consumption.	M Uktzin 3:3 Carcass of an unclean beast, carcass of a clean bird, etc. ■ As they are already impure, they do not need to be moistened, but need intention for human consumption.
Intention is unnecessary ×	M Uktzin 3:5 All food. ■ As food is usually intended for human consumption, intention is not specially required.	M Uktzin 3:3 Carcass of a clean animal and carcass of a clean bird sold in a market, and fat. ■ As they are sold in a market, it is clear that they are for human consumption.

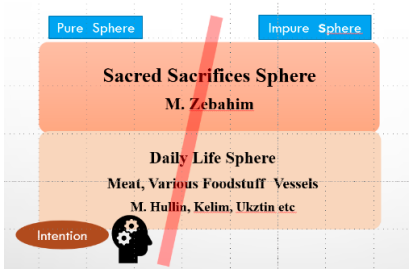
45 This is the topic of M Makhshirin.

impurity that conveys its impurity.

The following discussion, examines a variety of vegetables and plants, including crowfoot, saffron, black pepper, olives, and grapes. It is notable that the sages were knowledgeable about a wide range of vegetables and plants which demonstrates the vast dietary array of the Rabbinic Jewish period. In the context of this study, the focus is not on whether this argument was conducted. Instead, the assumption of "intention" as the framework for the discussion is of particular importance.

4.3 World Viewed from *Mahashavah*

Descriptions of the Mishnah around the axis of intention have been collected as recounted above. Upon examination of the sections in which intention is discussed, two spheres of involvement will be noted. The sacrifices discussed in M Zebahim belong to the sacred sphere – the Temple and God's sphere. Slaughter for human consumption is addressed in M Hullin, including references to intention, and M Kelim and Ukztin discuss everyday goods and foods. In both spheres, the intention is relevant to the distinction between pure and impure. The important aspect is that the boundary between pure and impure is not absolute. In both spheres, a parallel structure—intention makes something impure or pure—can be observed. Even the sacred sphere is not more special than the everyday sphere and vice versa, as exemplified in M Hullin 2:7's discussion of the formula of *Qal va Homer*.



Intention has such a strong influence that it could change the "purity" and "impurity" status of objects. Such a scheme of thinking itself would remind people of the importance of thinking about and applying intention.

Paul's words to believers who refused to eat a meal because they were afraid of committing idolatry are relevant:

> Romans 14:14
> I know and am persuaded in the Lord Jesus that nothing is unclean in itself; but it is unclean for anyone who thinks it unclean.

Paul severely condemned the insistence on purity and impurity regulations, even though he had been a devoted Jew. These words show his radical transformation by advocating that impurity and purity laws were a personal matter rather than absolute regulations in the Torah.[46]

Paul condemned people's insistence on not eating sacrifices to idols as follows:

> I Corinthians 8:4, 8
> Hence, as to the eating of food offered to idols, we know that "no idol in the world really exists," and that "there is no God but one... "Food will not bring us close to God." We are no worse off if we do not eat, and no better off if we do.

In the Mishnah, dealings with gentiles are often discussed in terms of the possibility of becoming involved in their idolatry.[47] It can be assumed that the consumption of foods and goods of gentiles was a much-debated topic in Rabbinic Judaism. In this context, Paul's proposal to deny even the existence of other idols based sorely on his own knowledge may be regarded as a radical solution.

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46 E. Katsuamta *Yudayagaku, Yudaykyou kara Mita Pauro* [Paul from the perspective of Judaism and Jewish Studies] *Journal of Interdisciplinary Study of Monotheistic Religion* 12 (2017, 3–21) 6–8.

47 M Abodah Zarah, 1:5; 1:8; 1:15; M Hullin, 2:7. etc.

Indeed, Paul stated, "Whatsoever is sold in the shambles, eat, asking no question for conscience' sake" (I Corinthians 10:25). The notion that the distinction between pure and impure, prohibited and permitted foods hinges on one's subjective interpretation is radical if it is assumed that the laws were rigid, and the sages stuck to them. Paul seems to have easily disregarded the obsessions of the sages of his time. However, as discussed in this paper, the sages also left room for intension that partly depended on personal conscience or thought to decide whether something was pure or impure. In this sense Paul's seemingly radical attitude toward purity and impurity laws might have common roots with sages' discussion of intention since both of them depend on personal conviction. Indeed, the "intention" (mahashavah) that was the focus of this paper has its roots in the concept of "thinking" (hashav). In light of these observations, there is some common ground between sages' discussion on "intentions" and Paul's standpoint that personal belief would decide on the purity and impurity.[48]

5. Conclusion

The present study deals only limmited portion of the Mishnah. It is impossible to gain a comprehensive understanding of the concept of "impurity" in Rabbinic Judaism. Further research into the subject is required. However, through this discussion, by focusing on intention in the purity laws, one can catch a glimpse of

48 Interesting is the fact that Paul preaches freedom and freedom of conscience in the context of food matters, such as ICor 1:8, 9, ICor Chapter 9, ICor 10:23–33. Such an idea of personal spiritual freedom is quite novel, given that the main usage of freedom in the Rabbinic literature of the time was to express social status, not slavery. E. Katsumata, "Yudayakyou niokeru Jiyu" [Freedom in Judaism: The Hebrew Bible and Rabbinic Literature] in *Kiristokyo Kenkyu* 77 (2015, 1–23), 8–19. What is interesting is that Paul might share the same context of Rabbinic Judaism then develop his own idea on personal freedom.

the Rabbinic-Jewish period's worldview that generated purity and impurity laws.

In the discussion on the Mishnah, it was learned that "impurity" is a concept that is distinct from moral sin, and both human and material defilements are argued in a similar manner. It is important to note that there is a vast field of similar genres for legal discussion. Even within Judaism, as previous studies have demonstrated, a considerable number of discourses associate defilement with moral sin, particularly within the genre of *aggadah* The existence of this vast area of legal discussion, however, which is the target of the "legalism" criticism[49] treated "impurity" only as a symptom. It is discussed without associating it to moral sin, in a manner analogous to medical assessments in the modern era, which would have been balanced with the tendency to link illnesses and impurity to sin.

Additionally, within Rabbinic Judaism, the concept of "impurity" is closely associated with the notion of intention. As we explained in Section 4, the discussion on intention alongside the purity and impurity laws covers all aspects of daily life, including the spheres of holy sacrifice, human foods, and the objects of daily life. They are discussed in both spheres according to the same factors. It appears that the sages assumed that the intention was to alter the nature of objects. Purity and impurity were never absolutely rather they were contingent on a specific purpose. Those Rabbinic scholars' concept of pure and impure was different from our modern concepts.

Intention makes the object's usage clear. As Douglas highlighted in her analysis of Leviticus, the characteristics of each of the worlds of earth, water, and heaven were considered "clean" animals, and those that encroached on their boundaries were considered "unclean."[50] Douglas's typical image of each world is based on

49 For a critique of legalism from primitive Christianity to the Church Fathers, see Brooks, *The Spirit*, 11–20.

50 Douglas, *Purity* and *Danger*, 66–71.

her presumption but not proven in the Bible. However, the clear adherence to this "boundary" may be important in the subsequent Jewish pure and impurity regulations.[51] In the case of daily household items, this boundary might be delineated by their contour as tools, including their physical shape. However, it does not mean that a solid object automatically has a contour. It is only when objects have a function or a role, albeit an invisible one, usage, purpose, or intention, that the rabbis observe impurity in them. However, neither boundary nor contour is rigid and can be altered by intention or thought. This means that impurity is not always a negative feature in Judaism nor is seen as something rejected or excluded.The concept of impurity is not inherently negative; rather, it is observed in something that has a purpose rather than in the morality of the object itself. Thus, impurity is possibly best interpreted as a form of living power.[52] Furthermore, one should realize how intention — rooted in thought — has such a significant power to validate the nature of objects in the Mishnah.

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51 Various types of *nega'*, including the *nega'* of the human body, appear on the skin and on the surface of houses. As long as the symptoms remain confined to the internal structure of the body and the house, they are not a problematic. When such phenomena manifest on the human body and penetrate the surface of the house, they are designated as "unclean." Moisture and dampness can also be considered a factor that blurs the contours as discussed above. It is possible that their living conditions may be a significant factor. Palestine has a dry climate and the houses were made of stone, often with roofless courtyards for communal work and cooking. The growth of mold on stone structures in dry areas would be a serious concern. For houses in Palestine during the Hellenistic period, see Eric Meyers, "Roman-Period Houses from the Galilee: Domestic Architecture and Gendered Spaces" in W. G. Dever & S. Gitin (Eds.), *Symbiosis, Symbolism, and the Power of the Past-Canaan, Ancient Israel and Their Neighbors from the Late Bronze Age through Roman Palestine* (Eisenbrauns, Winona Lake, 2003), 487–499. Y. Hirschfeld, *The Palestinian Dwelling: in the Roman- Byzantine Period* (Jerusalem: Franciscan Printing Press, 1995).

52 Then we can understand the famous discussion in Mishnah, the Holy Scriptures render the hands impure, in M Yadaim 3:5.

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